

EXHIBIT A

TYPE II USE OF FORCE

CROWD MANAGEMENT

INVOLVED OFFICER STATEMENT GUIDE

Instructions:

Please provide a detailed narrative answer to each of the questions asked. The listed bullet points are not specific to your incident and may or may not apply.

By SPD Policy you must document every use of force throughout the incident. This includes your Lawful Authority/Lawful Purpose for the contact, De-escalation, Threat Assessment/Decisions made, Force used, Medical Aid, and Resolution. You may do this in one statement, but you must provide these details and reasoning for each use of force.

Please read the following for information on what you might include in your statement. Every incident is different so not everything will apply and your use of force might have information that should be included that is not listed. This is a guide only.

At the bottom of this guide is the cut and paste section. Fill out your statement using the format included and then cut and paste your response into your Blue Team entry. If your response exceeds the character limits, save the entire statement and attach a .pdf or Word copy of it to your Blue Team entry after having it reviewed by a supervisor.

Preface:

- A. In-person supervisor screening:
Supervisor's name/rank/serial number, date/time/location
- B. ICV and BWV recorded: If not, explain why not
- C. Note if you reviewed BWV, ICV, or other video prior to statement

Pre-Arrival/Arrival

- A. Your relevant training/experience – please include any crowd management training and/or experience with demonstrations in the past (keep it brief).
- B. Describe your assignment and uniform. (List gear if more than in uniform such as Helmet, Chest protector, Baton, etc.)

- C. Location
- D. Information received from briefing/supervisor
- E. What was happening when you arrived/first observed the demonstrators?
 - a. People / other officers on scene, activity occurring, dangers
 - b. Buildings, vehicles
 - c. Environmental factors: weather, lighting

Legal Authority / Lawful Purpose:

- A. Legal Authority (Explain in Detail):
 - i. Public area, Street, Park, Open to public
 - ii. Exigency
- B. Lawful Purpose (Explain in Detail):
 - a. Riot
 - b. Looting
 - c. Assault

Contact with Subject(s): (If feasible)

- A. How did you make your presence and authority clear?
 - i. Uniform – UO Gear
 - ii. Verbal identification, commands, instructions, orders, PA announcements
- B. Describe contact with involved subject(s)
 - i. Observed details
 - Physical/verbal reaction to officer
 - Verbal actions / statements made
 - Size of crowd / movement
 - ii. During line movements, provide details
 - Your actions
 - Subject's response

De-Escalation Techniques Employed:

- A. Communication
 - i. Advisements/warnings. If no warning, explain why.
 - ii. Describe instructions given
 - iii. Dispersal orders you heard
- B. Time, Distance, or Shielding employed
- C. If De-escalation was not safe or feasible, explain why not

Threat Assessment/Decision Made

- A. Did the subject(s) pose a threat to you, another person, or another officer?
- B. Describe the threat in detail or why you believed there was a threat.
- C. Describe your decision regarding force and how you came to that decision
- D. Include any tactical decisions and scene control you employed

Use of Force:

Detailed description of the force used by you during the incident and any force you clearly observed used by other officers (identify those officers and where they were in relation to you).

- A. Words, actions or threat posed by subject prior to, during, and after the use of force:
- B. Continued de-escalation attempts and the subject(s) response if feasible
 - i. Verbal de-escalation
 - Warnings/commands to subject, if applicable.
- C. Describe the force used and lawful purpose of the force used:
 - i. Describe any warning given. If none were given, explain why not.
- D. Explain your decision to use a technique or less lethal tool, based on feasible options
 - i. Describe proportionality of force
 - ii. How did the totality of circumstances affect the force used?
 - iii. If force was necessary, explain why
- E. Explain effectiveness or lack of effectiveness of employed techniques
 - i. Was this a trained technique? Where were you instructed in this technique?
 - ii. Were you able to apply the technique properly? Explain why or why not.
 - If effective, describe assessment and modulation of force
 - Describe control of or compliance of subject
 - If not effective, explain why not and how you progressed from there
 - iii. When and how was your force modulated?
- F. Restraint of subject. (handcuffs gauged/double-locked, hobbles, full restraint position)

Medical Aid and Evaluation:

- A. Injuries/Medical Aid
 - i. Any complaint of pain, complaint of injury, apparent injury, or absence of injury to subject (before and after the force was used)
 - ii. Did you offer Medical aid (who provided and where provided)? Why not offered?
 - iii. Did the subject refuse medical aid or flee?
 - iv. Describe any injuries to yourself

Resolution:

If subject arrested, where were they transported?

Reference Checklist: (Make sure you include these elements in your detailed narrative for each use of force):

TOPIC	✓	TOPIC	✓
PRE-ARRIVAL DETAILS / BRIEFING		DECISIONS MADE & ORDERS GIVEN AND RECEIVED	
ARRIVAL		THREAT ASSESSMENT	
LEGAL AUTHORITY & LAWFUL PURPOSE		FORCE USED	
CONTACT WITH SUBJECT (S)		MEDICAL AID AND EVALUATION	
DE-ESCALATION		RESOLUTION	

Copy and Paste Template Below. Using the above guide as a reference, please write your narrative below and cut and paste it into your Blue Team entry after having it reviewed by a supervisor.

EVENT/GO#:2020-

DATE OF OCCURRENCE:9-23-2020

STATEMENT OF: OFC. EASTGARD 8348

This is a true and involuntary statement given by me in compliance with Section 8.400 of the Seattle Police Department manual order by a/Lt Moore I DO invoke my Garrity rights prior to giving this statement.

Preface:

- A. In-person supervisor screening: A/Sgt. Pratt was on scene
- B. ICV/BWV recorded: BWV was recording

PRE-ARRIVAL DETAILS:

I have been with the Seattle Police Department for five years. Prior to that I was with the Memphis Police Department for two years. I attended the Memphis Police academy, which is a 21-week long academy that goes over defense tactics, police tactics, and constitutional law, including other law enforcement relevant topics. When I got hired by the Seattle Police Department, I attended the two-week lateral academy at the Washington State Criminal Justice Training Center, where I was taught Washington State laws. I then completed nine-weeks of POST-BLEA, where I was taught Seattle Police policy, and tactics. Every year I have attended and completed all mandatory training and complete all e-directives. I have been assigned to West Precinct Mary Sector Bikes since July 2017 under Sgt. Moore. I have made and participated in hundreds of proactive stops. As a bike officer, I have been trained in the handling of crowd management and I know the use of force policy in regard to the use OC spray and munitions, and in regard to crowd management.

On 9/23/2020 at approx 2336hrs I was working uniform mountain bicycle patrol, in full police uniform working for the Seattle Police Department, in the City of Seattle. I was part of the 2-Mary-90s, and we were assigned to a large demonstration that was taking place in the area of Capitol Hill. The demonstration was called "Justice for Breonna Taylor". During the demonstration I had three deployments of blast balls.

BWV was recording. This report is intended as a summary of events. I have paraphrased conversations, actions, and do not include an exact sequencing of events. For any exact quotes or exact sequencing of events, I would refer the reader to my body worn camera, as it was recording at the time of the incident.

The Seattle Police Department is currently operating under a Stage 2 Mobilization and has instituted Precinct Area Command to address operational needs during the current COVID-19 pandemic. Due to the state of emergency created by this pandemic, the Washington State Governor issued a Stay at Home Order on February 29 through May 4, 2020. Governor Inslee has extended this order indefinitely. Additionally, the Mayor of Seattle suspended all permitted events on April 6 until further notice. Since May 30, 2020, SPD has needed to deploy significant resources to help manage protests, demonstrations, and marches that have been occurring throughout the City following the in-custody death of George Floyd in Minneapolis. Some events have involved numbers up to 50,000 people and have occurred without violence or significant property damage. Notable exceptions have been rioting which involved violent acts, setting of fires, and looting in downtown Seattle on May 30 and ongoing skirmishes between protestors and police in the area of the East Precinct building and Cal Anderson Park area that occurred during the first 9 days of June. Acts of violence, injuries to Officers, and significant property damage has occurred during protests on Sunday July 19th and Saturday July 25. On August 16 2020, a protest was deemed a riot after the crowd assaulted officers with rocks, bottles, and explosive devices that caused injuries to officers. On August 24, 2020, ENDD resulted in serious threats to Officer Safety. Notably, quickrete was used to block exterior East Precinct doors as plywood shields were burned outside the precinct. Also on August 24, Molotov cocktails were used in an attempt to burn the SPOG building. On Sept 1st, a group of about 75 rioters attacked the East Precinct. Three Molotov cocktails were recovered that had been thrown at the East Precinct. Most recently, on Sept 7th, rioters marched to SPOG and arrests were immediately made after people in crowd were known to be in possession of molotov cocktails. This incident had numerous assaults on officers.

On Sept 23, 2020, a Jefferson County Kentucky Grand Jury made a decision on criminal charges for Officers involved in the Breonna Taylor incident. Nationwide demonstrations, to include Seattle, are anticipated as a result of this event.

Roll call was held at the 1700hrs at the West Precinct. We were provided details about two separate events taking place. One that was to start at Westlake Park and the other to start at Cal Anderson Park. Cpt. Allen provided his commanders intent as follows

“There have been numerous protests over the past several months throughout the City of Seattle wherein many participants have remained peaceful. However, there have been other protests wherein many participants have engaged in assaultive behavior against police officers and/or committed significant property destruction and/or vandalism against public and private property. In light of today’s decision by the Jefferson County (Kentucky) grand jury regarding the Breonna Taylor case, further protests are expected. **My intent is to facilitate free speech and assembly whenever possible, while preserving order and protecting persons and property.** My expectation is to maintain a minimal police presence at a safe distance to facilitate the protester’s lawful conduct. Acts of violence or significant property destruction will not be allowed. If there are acts of violence or significant property destruction occurring, I expect our personnel to respond by identifying, isolating, and arresting the offenders if/when it is safe and feasible so those activities are not allowed to corrupt the lawful conduct of others. If/when it is no longer safe or feasible to hold people personally accountable for criminal conduct and/or the crowd presents an imminent risk to public safety or significant property destruction appears likely, then I expect our personnel to utilize dispersal orders and coordinated crowd control tactics that are consistent with law, policy, and training to restore order. Once the crowd is dispersed adequately and order is restored, I expect our personnel to resume efforts to maintain a minimal police presence at a safe distance to facilitate the protester’s lawful conduct. “

After Roll call, the mary-90’s were assigned to monitor the demonstration at Cal Anderson Park. The following updates are from CAD logs that took place prior to my use of blast balls, as a result of objects being thrown at Officers.

1924hrs “BLACK BLOC HEADING EB TO 12 AV,HAVING 216'S GROUP MOVE TO AREA”

2003hrs “214 CROWD OF APPX 200/OLIVE SIDE”

The group of 200 were headed W/B on Madison and at 2029hrs “214 STARTING TO THROW ROCKS AT STARBUCKS” at 2030hrs it was reported “AMAZON GO WAS TAGGED,COUPLE WINDOWS AT STARBUCKS BROKEN”

As the group was moving still moving W/B on Madison crossing I5 when at 2040hrs “REPORTING ONCE THEY GET ONTO FLAT GROUND ON 5 AV,THEY ARE PLANNING ON TURNING AROUND AND DOING COUNTER ATTACK,ALL PREPARING FOR ARRESTS”. The demonstration had several support vehicles with them and it was reported at 2044hrs “GROUP IS TELLING THEM NOT TO COOPERATE WITH POLICE AND STAY IN VEHS”

At 2046hrs, as the group moved N/B along 4 Av, property damage was reported to the Wells Fargo at 4 AV/Seneca street and then the first of many dispersal orders were given. “BIKES DEPLOY,GIVING DISPERSAL ORDER”. At 2050hrs “CONTINUE FOLLOWING AND GIVE DISPERSAL ORDERS DUE TO PROP DAMG”. At 2052hrs we began to take rocks, “TAKING ROCKS”. At 2353 “CAR21 DOING ADDITIONAL DISPERSAL ORDERS” and at 2054hrs “TAKING MORE ROCKS”.

At 2055hrs due to the hostility of the crowd, we were ordered to put bike protection gear on, "260 TO BIKES- IF YOU AREN'T UP FRONT- GET HARDENED UP".

The crowd was pushed back up towards Capital Hill area, via E/B Pike St, S/B 6th Av, and E/B Seneca St. The whole time rocks, bottles, and other objects were thrown at Officers. 2057hrs "ONE SUSP OBSERVED THROWING ROCK-- HAT,". 2103hrs "BOTTLE THROWN AT OFCR 6 AV/UNIVERSITY,NOT HITTING ANYONE". 2107hrs "THROWING TRAF CONES,ETC DISRUPTING PD PATH" and "CROWD THROWING TRAF CONES AT SPD"

The group then made it back to Broadway/Union St, 2118hrs "GROUP PLANS ON TURNING AROUND WANT TO MESS SPD UP". At 2122hrs we were updated via radio that group "TALKING ABOUT 'COOKING', IMPLYING MOLTOV COCKTAILS,PER 214 WANT TO LAUNCH MUNITIONS... IF THAT HAPPENS".

At 2122hrs "GROUP GOING BACK INTO CAL ANDERSON, REASSEMBLE APPX 10 MIN THEN GOING TO E PCT".

The group had entered Cal Anderson but at 2130hrs "SCOUTS OUT LOOKING FOR MARKED UNITS ON FOOT & SCOOTERS". At 2048hrs "GROUP OUT NB 11 AV,... PLANS ON GOING THRU NABORHOOD TO MAKE NOISE THEN RETURN TO E PCT,HAVE 'SOMETHING PLANNED'

The group marched around the area of Capital Hill. And at 2226hrs "GROUP IN FRONT OF PCT NORTH SIDE." At 2232hrs "GROUP IS MOVING TO 11/PINE TO BLOCK INTERSECTION- ALSO A GROUP AGAINST SALLY WALL" and 2235hrs "...GROUP HAS MOVED DUMPSTER INTO ROADWAY 11/PINE,MOVING SIGNS AND BOARDS- TRYING TO CREATE BLOCKADE". At 2042hrs we were updated "CAR21 GROUP OF 200 - CROWD SIZE".

While in the East Precinct sally port, someone threw a firework into the sally port at Officers at 2245hrs "FIREWORKS IN THE SALLY PORT. SOMEONE THREW FIREWORK AT THE WALL OUTSIDE SALLY,CAME INTO SALLY PORT - NO INJ,260 COPIES".

At 2259hrs we left the sally port and engaged the crowd, in order to try and arrest the subject who had thrown the firework into the sally port. The suspect managed to get away. As bike pushed down to 11/Pine "PEPPER SPRAY BEING DEPLOYED... ALL BIKES AT THIS INTERSECTION". As 2304hrs the crowd "THROWING GLASS BOTTLES AND BEER CANS". As Officers pulled back from 12 Av E, to E Pine St back up to 12 Av E "...THAT MOLTOV COCKTAILS BEING PREPARED AT HOTDOG TENT". During the previous push down to 11 Av E/ E Pine St, an Officer was assaulted by a protester hitting him in the back of the helmet with a baseball bat. Several other assaults occurred including an officer hit in the head with a milk crate.

At this point we were positioned away from the protesters on 12 AV. At 2336hrs the protesters had started a fire on E Pine St just East of 11 Ave. "FIRE GETTING SLIGHTLY BIGGER ON PINE,APPEARS GROUP FEEDING GARBAGE,SHOPPING CART ON FIRE" and then "CROWD MOVING EB TOWARDS 12 AV". A crowd gathered at 12 Ave E/ E Pine St confronting Officers. At 2341hrs another Dispersal order was given "...BIKES/CARS,GET ON FOOT,GIVING DISPERSAL NOW,ACTS OF VANDALISM,FIRES IN STREET,DAMAGE TO PCT,BIKES PUSH WB ON PINE AFTER LAST DISPERSAL ORDER GIVEN,CAR TASK FORCE FOLLOW BIKES THEN NB ON 11,ACT IS SUPPORT BEHIND THE BIKES"

Using trained tactics, we started a bike push of the protesters from 12 AV/E Pine St W/B to Broadway. During this push was when I used several blast balls in response to items being thrown at officers.

Starting at aprox 2344hrs 12 Av/ E Pine St, we began to engage the protesters who were throwing rocks, glass bottles and other objects at Officers. The crowd was mostly dressed in black, and were extremely hostile towards Officers. A large fire had been set in the intersection of 11 Ave/ E Pine St, blocking officers from using the roadway. Other objects such as garbage cans, construction signs, and traffic cones, were laid out in the roadway, to obstruct Officers. The protesters had bright lights and green lasers, that they used to try and blind Officers. Fireworks and improvised explosives were thrown at Officers as well. The crowd also deployed umbrellas and shields to block Officer vision, preventing Officers from seeing what was happening in the crowd.

My legal authority for this all occurred in a public roadway. My lawful purpose is to protect Officers from assault and a dispersal order was issued.

De-escalation was not feasible as individuals in the crowd were responsible for the assaults on Officers, in which I responded to by using force. The individuals although I could see, they were far enough that trying to communicate with them was not possible., The crowd at this point had been given multiple dispersal orders, telling them to leave the area, and warning them that if they remained, they would be subject to police action, including non-lethal munition, such as blast balls. I have been trained in the deployment of blast balls, and know the 5 “p’s”: palm, prep, peek, pull, pitch”.

We made our way down to the 11 Ave, via the sidewalk, were several items were thrown. A glass bottle was thrown at Officers, at which I responded by under handing a blast ball at an individual wearing a black hoodie, who I observed throw the glass bottle. Due to the hostility of the crowd, and how far from Officers the individual was, an arrest was not feasible at the time. The blast ball was effective, in that that individual subject moved back, further from Officers.

We continued W/B on E Pine St, yelling at protesters to “move back” and leave the area. At aprox. 2346hr at 10 Ave, we were continuing to push protesters back. Several more rocks were thrown, and I observed an individual throw a traffic cone, striking an Officers. In response to the assault on officers, I threw a blast ball, overhand at the individual responsible for the assault. I threw overhand, as there was a line of Officers and a line of protesters blocking the way of rolling in on the ground. The blast ball thrown was effective as the individual moved back, at least for a short time without more objects being thrown at Officers.

As the protesters were pushed further W/B on E Pine St, more dispersal orders were given. At Nagle Ave, I made an arrest of an individual for obstruction. I then rejoined my squad as they were moving N/B on Broadway. More dispersal orders were given. At E Denny Way and Broadway, an improvised explosive devise was thrown at Officers, but it did not detonate. Then the crowd moved W/B on E Denny Way where another explosive devise was thrown and did detonate. I was not informed if any Officers were injured. From E Denny Way, the protesters moved S/B on Harvard Av. On the turn at Harvard Av, a vehicle made its way in between the police and the protesters, obstructing the actions of Officers. I then had an accidental deployment of OC spray, at the ground, not hitting any protesters. More dispersal orders were given. Additional items were thrown at Officers, including a very large rock which I collected and gave to a SWAT Officer. As we made our

way S/B Harvard Ave, I took a glass bottle, to my left knee. The glass bottle broke on my knee pad, and did not cause much of an injury. If I had not been wearing knee pads, the glass bottle probable would have caused a significant injury.

At aprox 0010hrs at Harvard Av and about E Olive St, right after I took a bottle myself, I observed more rocks being thrown at Officers. I responded by under handing a blast ball at an individual wearing all black, who had just thrown a rock at Officers. The individual was in a crowd, where umbrellas were shielding the person. The blast ball resulted in the individual and the several around them, to move back away from Officers. The protesters continued S/B on Harvard Ave and then turned down E Olive St. After the third blast ball thrown, I had no more use of forces that evening.

The blast balls thrown were all reasonable, necessary, and proportional. Objectively reasonable as the crimes being committed were serious assaults on officers, with the potential to cause significant injury. The subjects the force was used against, posed immediate threats against Officers. There was not time, with the tools on hand and the proximity of the subject, force used against, to consider alternative means. With Officers, being outnumbered almost two to one, it was not feasible to make arrests, it would require entering a crowd of very hostile people. The force was necessary as for the lawful purpose of protecting Officers from further assaults on Officers. The use of blast balls in response to objects thrown by the protesters are proportional in that it's a reasonable response considering the crowd and its intent to attack property and Officers.

I was not informed of any injuries caused by my use of blast ball munitions. I did not observe any obvious injuries amongst the crowd of demonstrators, and no one sought me out asking for medical services.

End statement.

ADDITIONAL INFORMATION:

EXHIBIT B

is a .mp4 video file submitted via thumb drive

EXHIBIT C

is a .mp4 video file submitted via thumb drive